

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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 \* Docket No.: DCA 06 MM 001  
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Interview of: LAKE GEORGE COMMISSION

Fort William Henry Resort and  
 Conference Center  
 Lake George, NY

Wednesday,  
 October 12, 2005

The above-captioned matter convened, pursuant to  
 notice, at 9:35 a.m.

BEFORE: MORGAN TURRELL

## APPEARANCES:

MORGAN TURRELL  
National Transportation Safety Board

SGT. WALT SCHEDEL  
New York Park Police

MAURICE ALDRICH  
Warren County Sheriff's

MATT QUIRK  
SEAN QUIRK  
JIM QUIRK  
Shoreline Cruises

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I N T E R V I E W

(9:35 a.m.)

MR. TURRELL: Good morning. It is October 12th at 9:35 in the morning. We are at the Fort William Henry Resort and Conference Center. We're going to interview the Lake George Commission, Molly Gallagher, Michael White, and Joseph Snyder. And present here today starting on my left. Matt Quirk.

MR. M. QUIRK: Matt Quirk with Shoreline.

MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

MR. J. QUIRK: Jim Quirk, Shoreline.

SGT. SCHEDEL: Sergeant Walt Schedel, New York State Police.

MR. TURRELL: Morgan Turrell, NTSB.

MR. ALDRICH: Investigator Mo Aldrich, Warren County Sheriff's.

MR. WHITE: Mike White with the Lake George Park Police.

MR. SYNDER: Joe Snyder, Lake George County Police.

MR. TURRELL: We can start with Mr. White.

BY MR. TURRELL:

Q. Okay, Michael, can you tell us how long you've worked for the Lake George Park Commission?

A. Seventeen years.

Q. And what is your position there?

1           A.    Executive Director.

2           Q.    And was your job as executive director, what does the  
3 job description entail?

4           A.    As executive director, I'm the head of the commission  
5 staff and I oversee the day-to-day operations of the commission  
6 and meetings of the board.

7           Q.    Tell us what the mission of the Lake George  
8 Commission is?

9           A.    The mission of the commission is set forth in state  
10 law to preserve and protect the unique natural and scenic  
11 resources of the lake and the surrounding countryside. And the  
12 commission has specific responsibility to adopt rules and  
13 regulations related to certain features of the lake, including  
14 the recreation and water power.

15          Q.    How long has the commission been in existence, do you  
16 recall?

17          A.    Since 1961 but the commission's responsibility and  
18 authority were significantly expanded in 1987.

19          Q.    How many employees does the commission have?

20          A.    Nine full-time annual and nine seasonal marine patrol  
21 officers.

22          Q.    Now, the commission itself, is that an elected body  
23 or is that appointed?

24          A.    Members are appointed by the governor by and with the  
25 advice and consent of the senate.

1 Q. How many members are there?

2 A. There is nine commission members and the commissioner  
3 of environmental conservation is an ex-official member of our  
4 board.

5 BY MR. TURRELL:

6 Q. And Molly Gallagher, can you tell us what your  
7 position is?

8 A. I am an environmental analyst.

9 Q. And what does that job description entail?

10 A. I review all the permit applications that come in to  
11 the commission.

12 Q. And what are those permits for?

13 A. We have storm water management permit programs, dock  
14 (indiscernible) mooring, marina, recreational usage including  
15 tour boats, parasail, and sea plane, as well as new  
16 recreational usage.

17 Q. How long have you worked with the commission?

18 A. About eleven years.

19 BY MR. TURRELL:

20 Q. And Lieutenant Snyder.

21 A. Lieutenant Joe Snyder, I am a supervisor and  
22 environmental conservation officer for the New York State and  
23 County Police and I'm assigned to the Lake George Park  
24 Commission as the director of law enforcement. And in that  
25 role I'm responsible for the operation of the marine patrol,

1 which is a seasonal enforcement patrol on the lake, and all  
2 enforcement matters regarding the commission's regulations  
3 pertaining to docks (indiscernible) storm water.

4 Q. Okay, how long have you worked for the Lake George  
5 commission?

6 A. The commission 13 years, and the county police, 20  
7 years. Park police, 22 years.

8 Q. Okay.

9 BY MR. TURRELL:

10 Q. Michael, can you give us, run down the assets that  
11 the commission has on the lake for enforcing rules and  
12 regulations?

13 A. Yes, there is a seasonal marine patrol, as Lieutenant  
14 Snyder indicated. He's the director. And we have two  
15 sergeants and (indiscernible) patrol officers, seven or eight,  
16 it may vary from season to season, with eight patrol boats. So  
17 we operate generally at full capacity from six zones on the  
18 lake.

19 Q. Can you describe those zones for us?

20 A. Yeah, south would be in the area from Lake George  
21 Village, north to up about Diamond Island. There would be two  
22 sections east and west and south of the narrows. An area from  
23 the narrows north to a Brown Hague (ph.) and then a northern  
24 area from Sabbath Bay Point Hague area north to the end of the  
25 lake. On a busy day we might have what we call a floater, as

1 well, so (indiscernible) goes more or less where the traffic  
2 and the calls warrant.

3 Q. Okay. In particular, can you tell us what the Lake  
4 George Commission's role is in the commercial passenger vessel  
5 operations on the lake, what oversight you perform in  
6 particular for those operations?

7 A. Yeah. The commission has regulations governing what  
8 we call tour boats. And that is essentially those that offer  
9 passenger service or perhaps charters of fishing and  
10 sightseeing, scuba, that sort of thing. The regulations  
11 establish that a permit is required and sets a number of  
12 standards for the operation of those in terms of their effect  
13 on the other activities on the lake, on the environment and the  
14 safety of the users of the lake overall.

15 Q. Okay, and does your office field complaints in  
16 regards to the activities, environment and safety? Any sort of  
17 complaints from lake residents or users?

18 A. Yes.

19 Q. And what form do those complaints come in?

20 A. Well, they might come in by telephone, e-mail or  
21 personal contact, letter.

22 Q. And how are those contacts recorded? Are they  
23 recorded in your office or kept track of?

24 A. Yeah, we would keep a file on lake recreation overall  
25 or we would assemble those for the purpose of consideration by



1 the commission when it makes overall regulations and policies.

2 Q. Let's step aside from that for just a moment.

3 BY MR. TURRELL:

4 Q. Can you describe perhaps, Molly, the first thing that  
5 we talked about, the different permits that commercial  
6 operators are required to have, for example, Shoreline?

7 A. Sure, I guess the first one is the facility operation  
8 permit with our marina permits program. And if you're offering  
9 marina services such as the charter boats, tour boats,  
10 (indiscernible), rental boats along with a number of other  
11 things, you would need a marina permit. They're issued for  
12 five years and renewed.

13 Q. Okay, that's the same as a facility operator permit  
14 or is that separate, the marina?

15 A. No, that's specific to the facility so it needs to be  
16 tied to a facility on the lake.

17 Q. So a facility permit and a marina permit?

18 A. No, the marina permit.

19 Q. Okay, the same.

20 A. And then, in addition to that, if you're operating a  
21 parasail or a tour boat, you would need what we call a special  
22 permit for those activities.

23 Q. Okay, to your best knowledge, how many of those  
24 marina permits and special permits are there on the lake?

25 A. There are about one hundred class A marina. We have

1 two types, class A and class B. Class B is just like a  
2 resident that offers one berthing.

3 Q. Okay, and then class B?

4 A. I'd have to guess maybe about 30.

5 Q. Okay, and would class B represent what type of  
6 marina?

7 A. Just any facility offering one berthing space on the  
8 dock or mooring.

9 Q. And special permits?

10 A. We have, I believe, seven permits. And I think three  
11 seaplane permits, those aren't generally tied to marina permits  
12 (indiscernible). And three parasail permits.

13 Q. And the guidelines for the permits, a permit holder,  
14 do you provide guidelines on what type of operations those  
15 permits allow, in other words, are there strict guidelines as  
16 to what the permit allows the operator to do?

17 A. Basically the permit takes all our regulatory  
18 language and puts it right into that the special commission.

19 Q. Okay, and after the issuance of a permit, how is the  
20 regulation enforced? What is that, Lieutenant Snyder's shop?

21 A. Yeah.

22 Q. When complaints are gathered by the commission, do  
23 those complaints somehow affect the permit issuance? If  
24 there's a complaint, they have a seaplane operating hazardously  
25 somewhere, would that permit be issued or reissued at some

1 point, or is that, those complaints considered when they  
2 reissue permits?

3 A. The complaints, when Joe acts on them, he copies me  
4 on what the outcome was and I keep that in the file for review  
5 at renewal time.

6 Q. And if there is excessive complaints, would that  
7 permit be renewed?

8 A. To be honest, we haven't had that kind of provision.

9 Q. Okay.

10 A. You know, I mean (indiscernible) depending on what  
11 the violation is.

12 Q. Has there been a case where a permit's been even  
13 temporarily suspended or revoked?

14 A. Not during my tenure.

15 Q. Okay.

16 A. That I know of.

17 Q. And you've been there for how long?

18 A. Thirteen years.

19 Q. Thirteen years.

20 BY MR. TURRELL:

21 Q. Okay, with Lieutenant Snyder. If you could just  
22 describe your normal day-to-day routine enforcing Lake George  
23 rules and what type of duties you have to perform in law  
24 enforcement on the lake?

25 A. Well, my normal routine or the officers' normal

1 routine?

2 Q. The officers' routine.

3 A. Okay, seasonal patrol, as the executive director's  
4 standing, begins usually the first or second week in May,  
5 usually the second week of May and goes through to until  
6 Columbus Day. Full time patrol starts 4th of July, the weekend  
7 of the 4th of July and goes through until Labor Day. So seven  
8 days a week from 4th of July through Labor Day, weekends  
9 (indiscernible) spring and in the fall.

10 Weekend patrol consists of three patrol boats and  
11 myself. On Saturdays, a full complement would be all eight  
12 patrol boats. Generally, on the weekends, all boats are  
13 working during the summer. During the week it may be three  
14 boats, it may be four boats depending on traffic.

15 Q. Um-hum.

16 A. There are regular public safety boating patrol. They  
17 are assigned to a sector on the lake that they work and respond  
18 to complaints. Our boats are dispatched to emergency calls,  
19 911 calls by the Warren County Sheriff's Department. The  
20 sheriff's department gets a call for our service, they give it  
21 to the closest boat on the lake. We'll call for locations and  
22 give it to the closest boat. Officers are all certified peace  
23 officers that work on the lake. That's about it. They do a  
24 lot of public safety work, a lot of rescue type work responding  
25 to sinking boats, stranded boaters, fires, lost hikers,

1 campers, you name it. And then navigation law enforcement, as  
2 well as the Lake George Park Commission regulations.

3 Q. Would that also include the New York State navigation  
4 laws?

5 A. Um-hum.

6 Q. Okay. Can you describe any complaints you may have  
7 received about the Mohican, their wake in particular?

8 A. I don't think I've ever received an official  
9 complaint about the Mohican. I've heard comments about the  
10 Mohican's wake, that it has a big wake. I know from operating  
11 on the lake that it has, it puts out a wake, but I've never  
12 received any official complaints on that.

13 Q. From your experience on the lake, can you describe  
14 the wake the Mohican puts out?

15 A. I would say it's -- I'm trying to think of away to  
16 describe it, the width of it.

17 Q. Okay.

18 A. A long rolling wake.

19 Q. Okay.

20 A. Not an abrupt wake, but a long rolling wake.

21 Q. Can you describe the height above the water line  
22 from --

23 A. That would be dependent on how fast it's going and  
24 how loaded it is. But I would say certainly I don't think I've  
25 ever seen it under a couple of feet.

1 Q. Okay. Is that like one wake or is that a successive?

2 A. Typically my experience is it's one wake that rolls  
3 through. It's an (indiscernible) personal watercraft operator  
4 (indiscernible).

5 Q. Sure. What about the other boats on the lake? Are  
6 there any other vessels that put out similar type wakes?

7 A. Other larger tour boats put out wakes. We actually  
8 have larger personally owned yachts on the lake that put out  
9 some pretty good wakes as well. It's not unusual for a 40-  
10 footer to be on this lake anymore.

11 Q. In your experience have you ever received -- have you  
12 personally received any complaints regarding the Shoreline  
13 operation, either their boat operators or their operations in  
14 general?

15 A. The only complaints that we've ever received that I  
16 know of on Shoreline has to do with parasail operators.

17 Q. And what was the nature of those complaints?

18 A. Traveling too close to shore or near miss situations  
19 where a boater approaches and say the guy in the parasail is  
20 coming too close or you almost hit me or something of that  
21 nature.

22 Q. The other boats, the Horicon, the Adirondac, and the  
23 40-footers, any complaints on those boats?

24 A. (Indiscernible).

25 Q. How about the Sagamore Hotel, the Morgan? Any

1 complaints on them?

2 A. Got a complaint somewhere that paint was peeling off  
3 the stern and falling into the lake, but other than that, I  
4 don't think we've had any complaints.

5 Q. Well, someone's got (indiscernible) --

6 (Laughter).

7 A. It (indiscernible) peel of the paint (indiscernible).

8 Q. Now when you get a complaint, say about the paint  
9 peeling off the stern, how -- do you go up and visit the boat  
10 and document those trips somehow or how does that work?

11 A. All depends on how the complaint comes in. If a  
12 boater approaches one of the officers on the lake and gives  
13 them some kind of information, if it's something that the  
14 officer can act on, it's a violation of a regulation or a law,  
15 then the investigator can write a ticket on it. Generally they  
16 would note it in their logbook. They carry their logbook on  
17 the boat. Any contact with another vessel they generally make  
18 notes. There might be a notation that approached by people and  
19 then dateline and complaint about paint peeling off the boat.  
20 And whatever they did, if it's a situation where they can  
21 investigate it immediately, it's in their zone or something  
22 that is current, they'll take care of it. If it's not, then  
23 they'll bump it up the chain, give it to the sergeant who will  
24 decide who handles it.

25 Q. What type of agreements do you have with mutual aid

1 with other law enforcement agencies in the area? Do you have  
2 any sort of standing agreement with, say, Warren County or  
3 state police? Can you describe the nature of your cooperation  
4 with those other enforcement agencies?

5 A. The nature would be very cooperative.

6 Q. Okay.

7 A. Always have very good working relationship. As far  
8 as a formal written policy for mutual aid, I'm not aware of  
9 any. There is none that I'm aware of. From a working  
10 standpoint, we have a general rule on the lake as far as  
11 accident investigations go that if a commissioned boat responds  
12 to a severe personal injury or fatality on the lake, that  
13 Warren County will always be jointly investigating just because  
14 of the fact that they have full-time investigators and people  
15 to help out in those cases.

16 Q. Okay, can you tell us how many fatalities you've  
17 received on the lake, say in the last, in your experience, like  
18 how many fatalities?

19 A. We have good years and bad years. We've had, in the  
20 13 years I've been here, I think the worst year we had up until  
21 this year was probably four or five. That would include  
22 drowning as well as accidents. And then we've had years, we've  
23 gone several years in a row where we've had none.

24 Q. In the last, let's say 2003, 2004, 2005.

25 A Last year none. The year before, off the top of my



1 head, I would say two. I can recall two.

2 Q. And this year, was it just --

3 A. None up until October.

4 Q. Okay. Now, generally, do fatalities involve  
5 drowning? Is that typically the --

6 A. Yeah, depending on the type of call. Sometimes it's  
7 just a person, man overboard for whatever reason, or we have a  
8 very rocky bottom on Lake George, so we often have accidents  
9 that involve drownings, running up on the rocks. We have a  
10 very busy lake, so on holiday weekends in the summer or any  
11 weekend in the summer, there's always a potential for a boat-  
12 to-boat collision. Personal watercraft, a boat collision.  
13 They've run the full gamut so --

14 Q. Do you folks have divers also on call?

15 A. We do now.

16 Q. Let's see here, okay, Lieutenant, can you give us the  
17 Lake George Commission's response on Sunday, just a breakdown  
18 on how many assets you used and --

19 A. On Sunday there were three patrol boats working.

20 Q. This was October 2nd, sorry, go ahead.

21 A. Right, October 2nd. Three patrol boats, one  
22 sergeant, two officers on three separate boats. I believe that  
23 Officer Robert Jesky (ph.) who would be our boat 661, that's  
24 the sector number he's assigned to, which is that south end  
25 that the executive director described before which would run

1 from basically Green Island down to the village on one side of  
2 the lake. He's the officer who received the call, the original  
3 Warren County call, took the call, and he responded from the  
4 Sawmill Bay area. He was working a boat regatta that was  
5 ongoing in Sawmill Bay. He had Sergeant Gavin Rooney (ph.) in  
6 672 who was in the Glenn Island area. He responded from Glenn  
7 Island. We had another officer by the name of Ray Van Danden  
8 (ph.) who was in 662. I'm not sure exactly where Ray was. I  
9 think he was in the Sheldon Rock area, which would be the boat  
10 area of the lake. He responded as well.

11           Upon their arrival and realizing the size of the  
12 incident, they called and I was paged and I responded to the  
13 scene, as well as two other officers I was able to get a hold  
14 of, Bill Van Ness (ph.) who responded by car and assisted at  
15 the scene with the chores that we had on shore with bodies and  
16 identification, and another sergeant, Cindy Gallant (ph.), who  
17 responded. So at the scene the officers have actually given me  
18 what we call an unusual incident report. A UIR is a form that  
19 they complete. I have those on file. They give a synopsis of  
20 their activities at that time, you know, what they experienced,  
21 what happened, what time they arrived. They assisted obviously  
22 in recovery of persons from the water, a few living, mostly  
23 dead. And after the immediacy of the situation was over, they  
24 (indiscernible) divers in the water.

25           Q.    So you had a total of six persons responding?

1 A. Correct, seven if you include me.

2 Q. Seven. Now, do you recall what time, the exact time  
3 that you can recall of the first call you received?

4 A. 3:00 for me.

5 Q. Okay. Now, boat 661, was that also 3:00?

6 A. I believe the boat that took the initial call, I  
7 think it was 2:55 or 2:53, somewhere around there, that  
8 responded. Warren County does have the tapes of that --

9 Q. Right.

10 A. -- (indiscernible).

11 Q. And just -- can you recall what you were told about  
12 the incident? What your initial, what you heard about the  
13 accident initially? What were you told?

14 A. I was just told that a tour boat had flipped over in  
15 Lake George and there were as many as 50 people in the water  
16 and multiple fatalities, and the location off Cramer Point.

17 Q. Okay. To your knowledge, do you know what the rules  
18 are regarding drug and accident -- drug and alcohol testing  
19 after a boating accident on the lake?

20 A. If we had any kind of personal injury or fatality and  
21 there is reason to believe that the operator's somehow  
22 impaired, we would order a blood test. If we don't have  
23 probable cause or reason to believe, there's no evidence that  
24 he had any kind of impairment, then there's no way to force him  
25 to.

1           Q.    Would you have believed there was probable cause in  
2   this incident?

3           A.    I really never talked with the captain.  And at the  
4   scene at the time I wasn't privy to that.  It took me about 45  
5   minutes to get to the lake.  I don't live on the lake.

6           Q.    Okay.  Was there any discussion in your organization  
7   about that, whether the captain should be tested?

8           A.    Not that I can recall.  No.

9           Q.    Is it normal for the Warren County folks to perform  
10  that test on your behalf or will you perform it normally?

11          A.    It depends.  If it's a straight situation where one  
12  of our officers stops a vessel for a suspected BWI, boating  
13  while intoxicated, something of that nature, our officers would  
14  conduct a field sobriety test that would give them their  
15  reasonable suspicion that this person was intoxicated.  And  
16  then the person would be transported usually to a Warren County  
17  facility to have an actual (indiscernible), a breathalyzer  
18  done.

19          Q.    And do you recall when New York State Patrol  
20  responded?

21          A.    New York --

22          Q.    The New York State Police, excuse me, New York State  
23  Police.

24          A.    They were there when I got there, and from  
25  conversations with the troopers working on there, they were

1   there helping to pull victims from the water, so it must have  
2   been fairly --

3       Q.   Okay.

4       A.   -- fairly immediate.

5       Q.   Do you work with them often or --

6       A.   Regular, yeah.

7       Q.   What's your relationship with the New York State  
8   Patrol, the New York State Police?

9       A.   Good working relationship.

10      Q.   Now, do they have a patrol boat in the lake also?

11      A.   They have one, yes.  I believe the sheriff  
12   (indiscernible).

13      Q.   Getting back to the Shoreline operation, there's the  
14   parasailing and the U-rentals.  Are there any complaints about  
15   the U-drive or U-boat rental?  I forgot the name.

16           UNIDENTIFIED SPEAKER:  U-Boat.

17           MR. TURRELL:  U-Boat.

18           (Laughter.)

19           LIEUTENANT SNYDER:  I wouldn't say anything specific  
20   about Shoreline.  People complain about rental boat operators  
21   all the time in general.

22           BY MR. TURRELL:

23      Q.   As far as the permits or any -- their environmental  
24   -- have there been any complaints about Shoreline as far as  
25   their operation from an environmental standpoint or the Lake

1 George rules?

2 A. Ever?

3 Q. In your tenure.

4 A. I can't think of anything environmental. We've had,  
5 the commission has had enforcement cases against Shoreline  
6 regarding docks and waters.

7 Q. Okay, can you describe that please?

8 A. It was actually shortly before I arrived at the park  
9 commission. There was a disagreement over authorized lengths  
10 of dock at the Shoreline facility by the commission's  
11 regulations to enforce the length, the authorized lengths of  
12 wharfs. And that resulted in a rather lengthy litigation and  
13 settlement.

14 Q. To be fair, are there other complaints, say against  
15 the Lake George Steamship Company in a similar type of  
16 disagreement?

17 A. For docks?

18 Q. For docks or environmental problems?

19 A. Well, I didn't say there weren't any other complaints  
20 against Shoreline. I'm not aware of any dock cases against the  
21 steamboat company. Not in my tenure anyway, there hasn't been,  
22 but there may have been other than that (indiscernible).

23 MR. TURRELL: Well, go ahead, Walt Schedel.

24 SGT. SCHEDEL: (Indiscernible).

25 BY SGT. SCHEDEL:

1           Q.   Morgan's done a very good job of covering all the  
2   bases with you.  Each time (indiscernible) you mentioned  
3   seasonal patrols.  Do you have any patrols that are year around  
4   or are you the only year round enforcement personnel?

5           A.   I'm the only year round.

6           Q.   You mentioned that you heard comments about  
7   complaints regarding wakes in general, possibly the Mohican  
8   specifically.  What would the nature of those complaints be?  I  
9   mean, is it basically Shoreline complaints or from other  
10   boaters?

11          A.   I don't know if I would even characterize them as  
12   complaints, but there was a comment about --

13          Q.   Okay.

14          A.   Everybody who operates on Lake George knows that the  
15   tour boats put out larger wakes than the other boats.

16          Q.   Um-hum.

17          A.   (Indiscernible) before the Mohican is bait for  
18   personal watercraft.  We get complaints sometimes from the tour  
19   boat operators that the PWCs are coming too close.  We had a  
20   collision a couple of years ago with a PWC running into the  
21   Mohican a couple of years ago.  Miraculously it was not a  
22   fatality or even a significant injury.

23          Q.   So, as far as the comments go that are made, they're  
24   generally from other boaters and not from shoreline residents?

25          A.   I don't know if I can characterize that.  I would say

1 it's just lake lore, lake knowledge.

2 Q. Right. Okay.

3 SGT. SCHEDEL: I have no other questions right now.

4 MR. TURRELL: Matt Quirk.

5 MR. M. QUIRK: No, I don't have any questions.

6 MR. TURRELL: Sean Quirk.

7 BY MR. S. QUIRK:

8 Q. I just wondered if you would be familiar with -- has  
9 there been any other capsizing of boats on Lake George in your  
10 history?

11 A. Canoes definitely. I'm trying to think of other  
12 vessels. Certainly we've had sinkings. I can't recall them  
13 off the top of my head. I want to check the accident reports  
14 for all those years and see, but off the top of my head I can't  
15 recall an actual just flipped over vessel without being struck.

16 Q. Would you know the results or how it can -- with the  
17 sinking, the capsizing canoes, why -- was it because of  
18 conditions on the lake or was it just fooling around or --

19 A. Various and sundry reasons. Each one is an  
20 individual case and then the weather factors, the, you know,  
21 the location where they're operating. Each accident that gets  
22 investigated, an accident investigation form gets completed.  
23 And whatever details can be surmised at the scene are recorded  
24 on that accident investigation.

25 Q. Thank you.



1 MR. TURRELL: Jim Quirk.

2 BY MR. J. QUIRK:

3 Q. Jim Quirk (indiscernible). The thing that just came  
4 to mind, you were mentioning the term sinking and capsizing.  
5 How would you, how would you qualify the Ethan Allen between  
6 those two terms?

7 A. I guess for me to qualify it now would be pure  
8 conjecture because I'm not conducting the investigation. And I  
9 don't really have all the details. I only have, I only have  
10 knowledge of what I read in the paper and what, you know, other  
11 people have said. So I don't know if it would be any value in  
12 me trying to characterize it.

13 Q. Okay. I just wondered if you had, you know, a  
14 comment on that because that hadn't occurred to me in the past,  
15 and very significant, I think, difference as to whether it  
16 capsized or sunk.

17 A. Certainly I would say that the two are two different  
18 things. In my interpretation anyway, the capsizing involves  
19 overturning. Sinking could be from a number of reasons.

20 Q. Thank you. I have no further questions.

21 BY MR. TURRELL:

22 Q. Lieutenant, can you -- any (indiscernible) crew  
23 regulations from New York State Boating, the rules requiring a  
24 certain amount of crew members on board these cruise vessels?

25 A. Yes.

1           Q.    Do you recall what the requirement is for the Ethan  
2 Allen?

3           A.    Well, as it was brought to my attention in the media  
4 mostly, my understanding is that there is a requirement based  
5 on the number of people that are in the boat as to the number  
6 of crew that are required.

7           Q.    Has your agency ever inquired or questioned these  
8 crews (indiscernible) operation, how many crew members they use  
9 for their operations?

10          A.    Never been part of our ordinary practice.

11          Q.    Okay, do you know whose enforcement responsibility  
12 that would normally come under?

13          A.    The inspection of the craft is the Office of Parks  
14 and Recreation, and they're the ones who allow the capacity to  
15 be set.

16          Q.    Okay, so as far as those types of boating laws  
17 regarding the certification, the crew regulations, and so  
18 forth, you generally defer to New York State on those rules  
19 or --

20          A.    I am New York State Park Police.

21          Q.    New York -- I'm sorry, New York Park Police, I'm  
22 sorry, New York State Park Police.

23          A.    I wouldn't characterize it that way. I guess the rub  
24 is that New York State navigation law --

25          Q.    Right.

1           A.    -- New York State navigation law does not have  
2   anything regarding, to my knowledge, does not have the number  
3   of crew that are required as part of the Office of Parks and  
4   Recreation's regulations is my understanding. The enforcement  
5   of the navigation law out on the lake, if we had a complaint  
6   certainly, if somebody came to us and said that boat's supposed  
7   to have this many and it hasn't, then we'd certainly look into  
8   it, but that's never come up.

9           Q.    Okay, have any of you received any complaints about  
10   the crew operators, the cruise vessel, passenger vessels  
11   operations, you know, involved in any dangerous navigation  
12   violations regarding an operation, whether it be rules of load  
13   violations or anything like that?

14          A.    As I stated earlier, I think the only complaint we've  
15   ever received would be regarding a parasail boat which on Lake  
16   George is, the operators of the two parasail, it's a two boat,  
17   it's a platform and a tow boat, has a single boat with a  
18   platform on the back of it. So the boat has to pull people  
19   away from the platform and bring them back to the platform.  
20   We've had some calls about it being too close to shore and some  
21   drive up boat complaints about they got too close to me, you  
22   know, (indiscernible) situation on a lake with a busy lake with  
23   a lot of traffic, you know, to keep traffic separated  
24   sometimes.

25          Q.    Any residents complain about the passenger vessel

1 operations? Do residents complain about any --

2 A. Well, again the parasail is a PV.

3 Q. Okay.

4 A. The sailboat is a PV.

5 Q. Okay.

6 A. I guess that -- if you mean specifically tour boats?

7 Q. Yes.

8 A. Off the top of my head, I think the only complaint  
9 I've ever gotten about a tour boat was the first or second year  
10 I was here that somebody complained that one band was playing  
11 too loud late at night.

12 Q. Okay. And do you recall how long your agency --

13 BY MR. TURRELL:

14 Q. I guess this would be for perhaps Michael, how long  
15 you retain records regarding boating permits and citations?

16 A. We have a records retention policy, but a parasail  
17 facility related records, I would expect that we have those  
18 since the inception of the regulations or tour boats around  
19 1991.

20 Q. Okay. The NTSB would probably like to retain some  
21 documentation about your activities with the commission, in  
22 particular any citations issued on the lake in the last, you  
23 know -- I'll get that time frame for you so we get the right  
24 scope of documentation.

25 MR. TURRELL: Are there any questions from anyone

1 else? Matt, Sean?

2 MR. M. QUIRK: Yeah, I have one question.

3 MR. TURRELL: Matt.

4 BY MR. M. QUIRK:

5 Q. I just remembered a leading question (indiscernible)  
6 question about when the first call came into any facility. And  
7 was it Warren County Emergency 911 that first responded to the  
8 call into the department?

9 A. Warren County Emergency 911 is who dispatched our  
10 commission boat to the scene.

11 Q. Okay, then, did they -- do you know if they referred  
12 to being informed of an incident through a first responder?

13 A. If Warren County was first --

14 Q. Yeah, 911 or -- I'm just trying to get an idea of  
15 what the official time of the accident might be down in one  
16 report or the report.

17 A. I have no knowledge as to how Warren County received  
18 the original call other than what's been in the news, all the  
19 telephone calls that they got.

20 Q. Right, so there's really no other calls other than  
21 the first responders on the 911 call that you know about right  
22 now?

23 A. I have no knowledge.

24 Q. Thank you.

25 MR. TURRELL: Sean?

1 MR. S. QUIRK: That's it.

2 MR. TURRELL: Jim?

3 MR. J. QUIRK: No further questions.

4 MR. TURRELL: Walter?

5 SGT. SCHEDEL: That's it.

6 MR. TURRELL: Okay, do you gentlemen, Molly, have any  
7 questions or anything you'd like to add to the NTSB's  
8 investigation on the Ethan Allen? I'll just start with Joe.  
9 Any comments or observations?

10 LT. SNYDER: No, (indiscernible) up to date.

11 MR. TURRELL: Okay. Michael?

12 MR. WHITE: No.

13 MR. TURRELL: Molly?

14 MS. GALLAGHER: No.

15 MR. TURRELL: Okay, the NTSB would like to thank all  
16 of you for your help, and we will probably be communicating  
17 further with some document requests. And (indiscernible) very  
18 helpful right from the start getting us off the ground from day  
19 one. Now, if you just go ahead and nod one by one, this is  
20 record, and I'll end the conversation and then we'll all just  
21 -- we'll ask a couple questions.

22 UNIDENTIFIED SPEAKER: I acknowledge this was  
23 recorded.

24 MR. TURRELL: Okay, thanks.

25 UNIDENTIFIED SPEAKER: (Indiscernible) made us aware

1     that this was a recorded interview.

2             MR. TURRELL:  Thanks.

3             MS. GALLAGHER:  I understand it's been recorded.

4             MR. TURRELL:  Thanks very much.

5             (Whereupon, the interview in the above-entitled  
6     matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            Investigation of MV Ethan Allen  
                                 Lake George, New York  
                                 October 2, 2005  
                                 Interview of   Molly Gallagher,  
   Michael White, and  
   Lt. Joseph Snyder  
   (Lake George Commission)

DOCKET NUMBER:            DCA 06 MM 001

PLACE:                      Lake George, New York

DATE:                      October 12, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
Peggy Daniels  
Transcriber